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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/938,907	
	Filing Date	August 24, 2001	
	First Named Inventor	DAVIS, Brad	
	Art Unit	2645	
	Examiner Name	SING, S.	
Total Number of Pages in This Submission	9	Attorney Docket Number	UTL 00011

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Jonathan T. Velasco, Esq. Reg. No.: 42,200 KYOGERA WIRELESS CORP.
Signature	
Date	Oct 12, 2005

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Applicant(s): <b>DAVIS, Brad</b>	Group Art Unit: <b>2645</b>
App. No.: <b>09/938,907</b>	Examiner: <b>SING, Simon P</b>
Filed: <b>August 24, 2001</b>	Conf.: <b>3331</b>
Title: <b>METHOD AND APPARATUS FOR ASSIGNING DATA RATE IN A MULTICHANNEL COMMUNICATION SYSTEM</b>	

MAIL STOP AMENDMENT  
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**AMENDMENT AND RESPONSE TO OFFICE ACTION**

Dear Sir:

This communication is responsive to an **Office Action** mailed July 14, 2005. Timely response is made up to October 14, 2005. No fee is believed to be due. Applicant respectfully submits the following remarks for consideration by the Examiner.

**Claims** are reflected in the listing of claims which begins on page 2 of this paper.

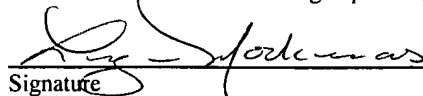
**Remarks** begin on page 7 of this paper.

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**Lynn Morkunas**

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